

### **REMARKS**

Claims 1, 12 and 13 have been amended. Support for the amendments to claims 1, 12 and 13 can be found, for example, in paragraphs [0014], [0024] and [0026] to [0029]. Claim 14 has been added. Support for this claim can be found, for example, in paragraphs [0014] and [0026], Fig. 3 and claim 10. No new matter has been added.

#### **Objection to claims 1 to 12**

Claims 1 to 12 were objected to for informalities. It is asserted on page 2 of the Final Office Action that the term “driving” appearing in claims 1, line 1, appears to be an awkward translation and that appropriate correction is required. It is respectfully submitted that the term “driving” appearing in claim 1, line 1 is not an awkward translation as asserted in the Office Action, and that its meaning is clear from the context in which it is used as well as from its general use in the art. Applicants respectfully point out that no reason or explanation as to why the Examiner thinks the term is awkward has been provided in the Final Office Action, nor has any alternative suggestion been provided. Applicants further note that claim 1 has been amended herein to replace “gradient cable” with “driving cable” in furtherance to the reply to the previous Office Action in response to the Examiner’s objection to the term “gradient” as appearing to be an awkward translation. Withdrawal of the objection to claims 1 to 12 thus is respectfully requested.

#### **Objections to the Drawings**

The drawings were objected to under 37 C.F.R. 1.83(a) as not showing every feature of the invention specified in the claims, specifically with respect to the first bearing spindle being mounted on an eccentric. In as much as this feature is no longer recited in the claims, as amended, withdrawal of the objection to the drawings thus is respectfully requested.

Claims 1 to 9 and 11 to 13 were also rejected under 35 U.S.C. §112, first paragraph as allegedly failing to comply with the enablement requirement. The Examiner asks on page 3 of the Final Office Action: “what structure allows for adjustment of the first bearing spindle with

respect to the driving pinion?” and “how is the first bearing spindle mounted on an eccentric (as in claims 1 and 13)?”.

As none of claims 1 to 9 and 11 to 13, as amended, recite a first bearing spindle or an eccentric, withdrawal of the rejections to claims 1 to 9 and 11 to 13 under U.S.C. 112, first paragraph thus is respectfully requested.

Claim rejections under 35 U.S.C. §112, second paragraph

Claims 1 to 9, 11 and 12 were rejected under 35 U.S.C. §112, second paragraph, as being indefinite due to insufficient antecedent basis for the limitations of “the first driving cable” as recited in claims 1 to 3 and 5, and “the method” as recited in claim 12. Claim 1 has been amended to recite “a first-driving cable”, and claim 12 has been amended to recite “a method”. Withdrawal of the rejections to claims 1 to 9, 11 and 12 thus is respectfully requested.

Claim rejections under 35 U.S.C. §103(a) over Schutt and Pohl

Claims 1, 2, 5, 11 and 12 were rejected under 35 U.S.C. §103(a) as being unpatentable over Schutt (US 2001/0035062) in view of Pohl et al. (US 5,181,891).

Claim 1 now recites: “A device for driving a first-driving cable, the device comprising;  
a guide tube at least partly surrounding at least a section of the first driving cable;  
a housing supporting the first driving cable in its longitudinal direction;  
a driving pinion meshingly engaging with a first portion of the first driving cable; and  
a freely rotatable first guide wheel meshingly engaging with the first portion of the first driving cable,

wherein the first portion of the first driving cable is disposed between the driving pinion and the first guide wheel.”

Schutt “relates to a drive for a displaceable motor vehicle part, especially the cover element of an openable motor vehicle roof which comprises at least one drive cable and one driven output pinion” (see Schutt, paragraph [0002], for example).

Pohl “relates to a drive device for a vehicle roof cover that can be adjusted between end positions, with an electric motor that is connected by a reduction gear to a driving pinion located on a drive shaft, a driving pinion which is connected to the vehicle part so as to drive it, as well as to a switching device controlling the motor to stop the motor in at least one predetermined position of the vehicle part” (see Pohl, col. 1, lines 6 to 13, for example).

It is respectfully submitted that neither Schutt nor Pohl teach or disclose “a driving pinion meshingly engaging with a first portion of the first driving cable; and a freely rotatable first guide wheel meshingly engaging with the first portion of the first driving cable, wherein the first portion of the first driving cable is disposed between the driving pinion and the first guide wheel” as now claimed in claim 1 of the present invention.

First, in Schutt, the two gear wheels 14, 16 engage each cable 22, 24 at different portions of each cable. See, e.g. Schutt, Figs. 1 and 6. The “one site” in paragraph [0022] of Schutt refers to “each individual one of the gear wheels 14, 16 engaging each of the cables 22 and 24 at exactly one site” of each cable (see Schutt, paragraph [0022] and Figs. 1 and 6, for example). Gear wheels 14, 16 of Schutt (the alleged driving pinion and guide wheel) are not both engaging the same (first) portion of the same (first driving) cable as recited in claim 1.

Moreover, Schutt does not teach or disclose a first portion of a first driving cable being disposed between a driving pinion and a first guide wheel as claimed in claim 1 of the present invention. As is clearly shown in Figs. 1, 6 and 7 of Schutt, for example, gears 14, 16 and the output pinion 12 are located between the two guide tubes 18, 20, and thus, the drive cables 22, 24 (see Schutt, paragraph [0022] and Figs. 1, 6 and 7, for example). In claim 1, by contrast, the first portion of the first driving cable is disposed between the driving pinion and the first guide wheel.

Furthermore, Schutt does not teach or disclose “a freely rotatable first guide wheel meshingly engaging with the first portion of the first driving cable” as claimed in claim 1 of the present invention. Gear wheels 14, 16 of Schutt are not freely rotatable as both gear wheels 14, 16 are driven by the driving pinion 12. “The output pinion 12 is located in the same tooth plane as the gear wheels 14, 16 and its teeth engage the gear wheels 14, 16” (Schutt, paragraph [0022]).

Pohl also does not teach these features nor has such been asserted in the Final Office Action. Additionally, the feature regarding a bearing spindle allegedly taught by Pohl as asserted in the Final Office Action is no longer recited in the claims as amended.

Withdrawal of the rejections to claim 1 and its dependent claims 2, 5, 11 and 12 under 35 U.S.C. §103(a) as being unpatentable over Schutt (US 2001/0035062) in view of Pohl et al. (US 5,181,891) is therefore respectfully requested.

Claim rejections under 35 U.S.C. §103(a) over Bratkowski, Finkle and Pohl

Claims 1 to 9 and 11 to 13 were rejected under 35 U.S.C. §103(a) as being unpatentable over Bratkowski et al. (US 5,612,600) in view of Finkle (US 4,413,808) and further in view of Pohl et al. (US 5,181,891).

Bratkowski describes a “position encoding system . . . for controlling movement of a movable panel between predetermined positions . . . by a pair of cables coupled thereto” (see, e.g. Bratkowski, Abstract).

Finkle describes a “portable, power-driven device capable of being carried by an operator to force stiff but bendable fishing tape through an electrical conduit until engageable means on the free end of the tape project from the conduit” (see, e.g. Finkle, Abstract).

Pohl is discussed above with respect to the rejections to claims 1, 2, 5, 11 and 12 under 35 U.S.C. §103(a).

It is respectfully submitted that neither Bratkowski, Finkle nor Pohl teach or disclose “a driving pinion meshingly engaging with a first portion of the first driving cable; and a freely rotatable first guide wheel meshingly engaging with the first portion of the first driving cable, wherein the first portion of the first driving cable is disposed between the driving pinion and the first guide wheel” as now claimed in claim 1 of the present invention. As admitted on page 7 of the Final Office Action, Bratkowski does not disclose guide wheels at all.

The guide wheels shown in Finkle are not freely rotatable as now recited in claim 1 of the present invention. Rather, “[t]he pair of transversely spaced seventh gears 48 are in toothed engagement with a pair of spaced eighth gears 50 that are rotatably supported on a fourth transverse shaft 52” and “[t]he pair of spaced eighth gears 50 have adjacently disposed hub portions 50a of smaller diameter on which first teeth 54 are defined that are in engagement with second teeth 56 formed on the interior of a first ring-shaped gripping member 58” (see Finkle, col. 3, lines 37 to 46 and Figs. 3 to 6, for example).

Pohl also does not teach these features nor has such been asserted in the Final Office Action. Additionally, the feature regarding a bearing spindle allegedly taught by Pohl as asserted in the Final Office Action is no longer recited in the claims, as amended.

Moreover, even if all of the claimed limitations were taught or disclosed in the cited references, which Applicant’s maintain they are not, Bratowski and Finkle are in completely different and non-analogous fields of art; and, despite any remote similarity in their mechanisms, one having ordinary skill in the art of a device for driving a driving cable would not have been motivated to look at these two references in combination due their markedly different subject matters.

Bratowski “relates to a position encoder system for use in driving a movable panel, and, more particularly, to a position encoder system for controlling movement of a sunroof panel of a vehicle” (see Bratowski, col. 1, lines 6 to 9). Finkle relates to “the electrical contracting field [in which] it is necessary to draw electrically insulated wire through conduits that may already have a group of parallel wires therein” (see Finkle, col. 1, lines 11 to 13). An object of Finkle “is to supply a device sufficiently light in weight as to be carried by the user thereof by a sling that extends over his shoulder, and with the device being actuated by electric power from a conventional outlet plug or box” (see Finkle, col. 1, lines 11 to 13).

Bratowski thus relates to controlling movement of a sunroof panel of a vehicle. Finkle, in sharp contrast, relates to the electrical contractor field and clearly does not relate to controlling movement of a component of a vehicle as an object of Finkle is for the device to be carried by a person and actuated by electric power from a conventional outlet plug or box. One having ordinary skill in the art of a device for driving a driving cable would not have looked to combine Bratowski with Finkle and would actually have been discouraged by Finkle from so doing since

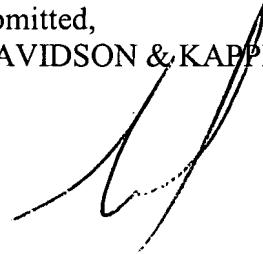
an object of Finkle is for the device to be carried by a person and be actuated by electric power from a conventional outlet plug or box.

Withdrawal of the rejections to claim 1 and its dependent claims 2 to 9 and 11 to 13 under 35 U.S.C. §103(a) as being unpatentable over Bratkowski et al. (US 5,612,600) in view of Finkle (US 4,413,808) and further in view of Pohl et al. (US 5,181,891) is therefore respectfully requested.

CONCLUSION

Reconsideration of the present application, as amended, is requested. If, upon review, the Examiner is unable to issue an immediate Notice of Allowance, the Examiner is respectfully requested to telephone Applicant's undersigned attorney in order to resolve any outstanding issues and advance the prosecution of the case.

Respectfully Submitted,  
DAVIDSON, DAVIDSON & KAPPEL, LLC

By:   
Cary S. Kappel  
Reg. No. 36,561

Davidson, Davidson & Kappel, LLC  
485 Seventh Avenue, 14<sup>th</sup> Floor  
New York, New York 10018  
(212) 736-1940